IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 170 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/09/2004 in WP NO : 16000 OF 2004 on the file of the High Court.)

Between:

Kothapalli Kasiviswanath Raju S/o.late Suryanarayana Raju
Palakoderu, Bheemavaram Mandal,
W.G.Dist.

..... APPELLANT

AND

1 The Dist Collector West Godavari Dist.
2 The Revenue Divisional Officer, Bheemavaram, West Godavari Dist.
3 The Mandal Revenue Officer, Bheemavaram,West Godavari Dist.

.....RESPONDENTS

Counsel for the Appellant:MRS.S.NANDA

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

One of the grounds to challenge the acquisition proceedings is the dispensation with the enquiry under Section 5-A of the Land Acquisition Act. Learned single Judge dismissed the writ petition by the order impugned in this appeal on 9th September, 2004. Our attention has been drawn to another order passed by the same learned Judge in WPMP No.105 of 2005 in W.P.No.92 of 2005. Order was passed in the said case on 11-1-2005. Rule nisi was issued and dispossession was stayed subject to the condition that the petitioner is in possession.

In view of the fact that against the same notification issued under Section 4(1) of the Land Acquisition Act on 19th August, 2004, there is W.P.No.92 of 2005 pending consideration, there is no reason why the present writ petition filed by the appellant viz., W.P.No.16000 of 2004 be not also be directed to be heard and decided with the same direction issued as in W.P.No.92 of 2005.

Consequently, we allow the appeal, set aside the impugned order and direct that Writ Petition No.16000 of 2004 shall stand admitted for consideration. We also direct W.P.No.16000 of 2004 to be heard and decided along with W.P.No.92 of 2005 and in case petitioner-appellant is in possession as of today, he shall not be dispossessed from the property in question, except in accordance with law.

_____

DEVINDER GUPTA, CJ

9-2-2005

_____

M.NARAYANA REDDY, J

Tvr

Note: Issue cc today

BO

To

1 The Dist Collector West Godavari Dist.
2 The Revenue Divisional Officer, Bheemavaram, West Godavari Dist.
3 The Mandal Revenue Officer, Bheemavaram,West Godavari Dist.

4 2 CCs to the Govt. Pleader for Land Acquisition, High Court Buildings,

Hyderabad (OUT).

5 2 CD copies.